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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/551,086

09/27/2005

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EXAMINER

ANDRAMUNO, FRANKLIN S

ART UNIT

PAPER NUMBER

2424

MAIL DATE

DELIVERY MODE

03/03/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/551,086	Applicant(s) KENDALL ET AL.	
	Examiner FRANKLIN S. ANDRAMUNO	Art Unit 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/28/09 has been entered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 8-10, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manson et al (US 6,543,051 B1) in view of Naidoo et al (US 7,185,282 B1) in view of Candrall (US 5,995,553). Hereinafter referred a Manson, Naidoo, and Candrall.

Regarding claims 1, 8 and 15, Manson discloses an apparatus, television signal receiver and the method for controlling an apparatus having an emergency alert function (**Receive Emergency Alert Message (402) in figure 4**), comprising steps of:

Art Unit: 2424

detecting a second condition wherein a broadcast test associated with said emergency alert function is passed **(figure 4)**.

However, Mason fails to teach the use of detecting a first condition wherein signal strength on a selected channel associated with said emergency alert function exceeds a threshold. This is shown by Naidoo **(column 8 lines 10-13)** the emergency response provider station (18) upon detection of an alert condition, for example, when a measured physical parameter exceeds a predetermined threshold value. Naidoo also teaches providing an output if both of said first condition wherein signal strength on a selected channel associated with said emergency alert function exceeds a threshold **(column 8 lines 17-20)**.

Therefore, it would have been obvious at the time of the invention to include the use of a condition detection in an emergency alert function. This is a useful combination because the system will detect emergencies automatically.

However, Mason and Naidoo fail to teach a system that includes a broadcast test including detecting reception of a test signal that is broadcast on a scheduled periodic basis. Candrall teaches on **(column 9 lines 15-29)** the present invention enables periodic tests for checking the operation. Candral also teaches said second condition wherein a broadcast test associated with said emergency alert function is passed are detected **(column 9 lines 47-50)**.

Therefore, it would have been obvious at the time of the invention to include the use of a test signal unit capable of scheduling periodic tests. This is a useful

Art Unit: 2424

combination because a system is will be reliable and problems will be addressed immediately.

Regarding claims 2, 9 and 16, Manson discloses an apparatus, television signal receiver and the method of claim 1, wherein said broadcast test includes determining whether said test signal includes a user selected location code (**column 5 lines 27-29**) associated with said emergency alert function (**Figure 4**).

Regarding claims 3, 10 and 17, Manson discloses an apparatus, television signal receiver and the method of claim 1, wherein said test signal is broadcast on a weekly basis (**Column 7 line 37**).

3. Claims 4-7, 11-14, and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manson et al (US 6,543,051 B1) in view of Naidoo et al (US 7,185,282 B1) in view of Candrall (US 5,995,553) in view of Ganzer et al (US 5,121,430). Hereinafter referred a Manson, Naidoo, Candrall, and Ganzer.

Regarding claims 4, 11 and 18, Manson discloses an apparatus, television signal receiver and the method of claim 1, further comprised of: identifying one of said channels having higher signal strength relative to said other channels as said selected channel (**figure 2**).

However, Manson, Naidoo, and Candrall fail to teach the tuning a plurality of channels associated with said emergency alert function. Ganzer discloses on **(column 2 lines 35-40)** a tuner circuitry tuned to the channel number of the station providing service.

Therefore, it would have been obvious at the time of the invention to include the use of a tuner. This is a useful combination because the emergency unit is delivered along the signal with the highest strength.

Regarding claims 5, 12 and 19, Manson discloses an apparatus, television signal receiver and the method of claim 4, further comprised of using said selected channel to receive emergency alert signals capable of activating said emergency alert function **(Create Digital Emergency Alert Message (412) in figure 4)**.

Regarding claims 6, 13 and 20, Naidoo discloses an apparatus, television signal receiver and the method of claim 1, further comprised of: providing a first output message if said first condition is not detected **(column 14 lines 12-18)**; and providing a second output message if said second condition is not detected **(column 15 lines 2-7)**.

Regarding claims 7, 14 and 21, Manson discloses an apparatus, television signal receiver and the method of claim 6, wherein said first and second output messages each indicates a corrective action **(Figure 4)**.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKLIN S. ANDRAMUNO whose telephone number is (571)270-3004. The examiner can normally be reached on Mon-Thurs (7:30am - 5:00pm) alternate Fri off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571)272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art
Unit 2424